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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/786,965	02/25/2004	Dan Aharoni	EMC-02-132CIP1

Robert Kevin Perkins, Esq.  
 EMC Corporation  
 Office of the General Counsel  
 176 South Street  
 Hopkinton, MA 01748



CONFIRMATION NO. 4123

## FORMALITIES LETTER



\*OC000000012695981\*

Date Mailed: 05/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

08/12/2004 BABRAHA1 00000041 050889 10786965 Alexandria VA 22313-1450

01 FC:1051 130.00 00

*A copy of this notice **MUST** be returned with the reply.*

Alvin

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# TRANSMITTAL FORM

Application No.:	10/786,965
Filing Date:	February 25, 2004
First Named Inventor:	Dan Aharoni, et al
Group Art Unit	2186
Examiner:	Not Yet Assigned
Customer No.	24227

Total Number of Pages in this Submission:

Docket No. EMC-02-132CIP1

## ENCLOSURES (check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Authorizing the Commissioner to charge Deposit Account No. 05-0889 (in duplicate) | <input checked="" type="checkbox"/> Response to Notice to File Missing Parts of Nonprovisional Application | <input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] |
| <input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Decl.      | <input checked="" type="checkbox"/> Declaration/Power of Attorney  | <input type="checkbox"/> Associate Power of Attorney  |
| <input checked="" type="checkbox"/> Extension of Time Request for 1(one) Month  | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application     | <input type="checkbox"/> Express Abandonment Request  |
| <input type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Revocation of Power of Attorney   | <input type="checkbox"/> Terminal Disclaimer  |
| <input checked="" type="checkbox"/> Assignment  | <input type="checkbox"/> Issue Fee Payment on USPTO Form PTOL-85B, "Part B— Issue Fee Transmittal"         | <input checked="" type="checkbox"/> Certificate of First Class Mailing                                      |
| <input checked="" type="checkbox"/> Recordation Cover Sheet   | <input type="checkbox"/> Formal Drawings, labeled  | <input type="checkbox"/> Certificate of Express Mail Mailing  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)   | <input type="checkbox"/> Letter/Transmittal to Official Draftsperson                                       | <input checked="" type="checkbox"/> Fee Transmittal   |
|   | <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review Status Inquiry"          | <input checked="" type="checkbox"/> Postcard  |
|   |  | <input type="checkbox"/> Additional Enclosures:   |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

August 9, 2004

Date

Robert Kevin Perkins, Esq. (Reg. No. 36,634)  
EMC Corporation  
Office of the General Counsel  
176 South Street  
Hopkinton, MA 01748

Tel: (508) 293-6985

Fax: (508) 293-7189

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

I hereby certify that this correspondence and above-referenced enclosures are being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: : Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703)

August 9, 2004

Date

Signature

Sandra A. Kulaga

Typed or printed name of person signing certificate

# FEE TRANSMITTAL

## For FY 2004

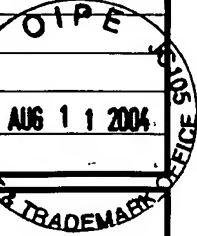
Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$280.00)

**Complete if Known**

Application Number 10/786,965  
 Filing Date February 25, 2004  
 First Named Inventor Dan Aharoni, et al  
 Examiner Name Not Yet Assigned  
 Art Unit 2186  
 Attorney Docket No. EMC-02-132CIP

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

05-0889

Deposit Account Name

EMC Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2004	80	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Fee from below	Extra Claims	Fee Paid
Independent Claims	-20** = 18.00 X		
Multiple Dependent	-3** = 86.00 X		

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0.00)

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$280.00)

**SUBMITTED BY**

Complete (if applicable)

Name (print/Type)	Robert Kevin Perkins	Registration No. (Attorney/Agent)	36,634	Telephone	508-293-6985
Signature	<i>Robert Kevin Perkins</i>	Date	August 9, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT  
EMC-02-132CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>APPLICANTS:</b>	Dan Aharoni, et al	<b>GROUP ART UNIT:</b>	2186
<b>U.S.S.N.:</b>	10/786,965	<b>EXAMINER:</b>	Not Yet Assigned
<b>FILING DATE:</b>	February 25, 2004	<b>CUSTOMER NO.:</b>	<b>24227</b>
<b>TITLE:</b>	<b>SYSTEM AND METHOD FOR SIMULATING PERFORMANCE OF ONE OR MORE DATA STORAGE SYSTEMS WITH UTILIZATION INPUT</b>		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 9, 2004.

*Sandra A. Kulaga*

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF A NONPROVISIONAL APPLICATION**

Sir:


This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed May 18, 2004. A Declaration and Power of Attorney executed by inventors Dan Aharoni, Amnon Naamad, Sachin More, Kenneth Goguen, Xiaoyan Wei, Maureen Lally and Dimitar Petkov Gueorguiev accompanies this Response.

Applicant: Dan Aharoni, et al  
U.S.S.N. 10/786,965  
Filing Date: February 25, 2004  
Atty. Docket No.: EMC-02-132CIP1

It is requested that all fees occasioned by this submission be charged to Deposit Account No. 05-0889. In the event the Examiner deems personal contact desirable in disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-6985.

Respectfully submitted,

Dated: August 9, 2004

  
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